

APPEAL NO. 033157
FILED JANUARY 28, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 29, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of injury of _____. The appellant (carrier) appeals, contending that the hearing officer's decision is against the great weight of the evidence and that the claimant failed to meet his burden of proof. No response was received from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a repetitive trauma injury as defined by Section 401.011(36). Conflicting evidence, including conflicting medical opinions, was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W. 2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge